or your attorney must serve a copy of your written answer within 20 days

NOTICE TO DEFENDANT-You need not appear personally in court to answer the complaint, but if you claim

to have a defense, either you

BERKSHIRE, sa.

SUPERIOR COURT

CIVIL	ACTION	7

CYNTHIA PALMA, Pro Se Plastics Defendant(s)

# **SUMMONS**

To the above-named Defendant:

You are hereby summoned and required to serve upon. CYNTHIA.PAIMA.

PO BOX 8, PITTSFIELD, MA, 01202

plaintiff's attorney, whose address is (413) 499-7770 or 446-9981

the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Pittsfield either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio , Faquire at Pittsfield, the TENTH two MAY of ...., in the year of our Lord thousand Exercises and FOUR!

Jeharah & Capiller

NOTES.

- 1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
- 2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
- 3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
- (1) TORT (2) MOTOR VEHICLE TORT (3) CONTRACT (4) EQUITABLE RELIEF (5) OTHER

ElectricInsuranceCo ElectricInsuranceCo 05/25/2004 02:12:43 PM Document 1-2 Filed 06/10/2004 Page 2 of 12 4006 Case 3:04-cv-30110-KPN

05/11/04 TUE 16:57 FAX 413 4487166

# Commonwealth of Massachusetts County of Berkshire The Superior Court

CIVIL DOCKET# BECV2004-00052-A

Palma v General Electric Company RE:

TO:Cynthia Palma P O Box 8 Pittsfield, MA 01202

### TRACKING ORDER - F TRACK

You are hereby notified that this case is on the fast (F) track as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

### STAGES OF LITIGATION

### DEADLINE

Service of process made and return filed with the Court	05/09/2004
Response to the complaint filed (also see MRCP 12)	07/08/2004
All motions under MRCP 12, 19, and 20 filed	07/08/2004
All motions under MRCP 15 filed	07/08/2004
All discovery requests and depositions completed	12/05/2004
All motions under MRCP 56 served and heard	01/04/2005
Final pre-trial conference held and firm trial date set	02/03/2005
Case disposed	04/04/2005

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to session A sitting in Superior Court-2nd Floor at Berkshire Superior Court.

Dated: 02/09/2004

Deborah S. Capeless Clerk of the Courts

BY: Deborah S. Capeless Clerk

Location: Superior Court-2nd Floor

Telephone: (413) 499-7487

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130

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ō	5/11/04 TUE 16:56 FAX 413 4487166 GEP LIT CIVIL ACTION COVER SHEET SUPERIOR CO	IGATION I <b>T OF Massachusetts</b> DURT DEPARTMENT	Docket Number
•	PLAINTIFF(S) Cynthia Palma	DEFENDANTIS) Consulta	2004-052
		DEFENDANT(S) General E	lectric Company
	ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE PO Box 8,	ALIORNEY (if known)	ROLLO RO
	Board of Bar Overseer's number: 413-499-7770 - 446-9981	PRO SE	
	<del>-</del>	track designation	
	1. F01 Original Complaint 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) (F)	F04 District Court Appeal c.231, s. F05 Reactivated after rescript; relie Order (Mass.R.Civ.P. 60) E10 Summary Process Appeal	u nom ingåment
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<u> </u>	PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, A COURT DEPARTMENT PARTY.	·	
a	I hereby certify that I have complied with the requireme Iniform Rules on Dispute Resolution (SJC Rule 1:18) resolution court-connected dispute resolution services and disadvantages of the various methods."  Grand Court		nts with information ges and

### COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, ss.	SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT Civil Action No. 2004-052
CYNTHIA PALMA, Plaintiff	) )
<b>v</b> .	AMENDED COMPLAIN DECEIVED
GENERAL ELECTRIC COMPANY, Defendant	MAY 10 2004

- 1. This amended complaint is submitted to be inclusive of all facts stated in this revision as well as in original complaint filed by Plaintiff in Berkshire Superior Court February 9, 2004.
- 2. Complaint is amended to include facts regarding additional medical assessments, services and treatments feasibly projected to be performed since date of original filing; i.e., MRI of February 13, 2004 of cervical spine revealing abnormalities (in addition to March 2003 MRI images of abnormalities to lumbar and sacral regions); recent diagnosis of fibromyalgia, and any further complications that may be present or may arise as result of trauma incurred by work accident sustained due to defendant's negligence at General Electric Plastics World Headquarters Building 51 on February 9, 2001.
- 3. Complaint tort claims are amended in revised Civil Action Cover Sheet to include above assessments and future treatments.
- 4. Complaint tort claims are amended to reflect tracking order of docket, as original tort was assembled to reflect additional damages and wages projected for three-month period from date of filing only. Revised Civil Action Cover Sheet now includes past, present and future feasible projections of period of two-years from original filing date but are to be modified as needed per future medical treatments and assessments and to reflect timeframe of stages of litigation.
- 5. As a result of the defendant's actions, Ms. Palma was wrongfully terminated from her position on March 9, 2001. Inflammatory remarks, discriminatory implications and subsequent actions of her GE Plastics supervisor led to premature termination of her employment contract, which was not due to expire until October 2001.

WHEREFORE, the plaintiff, Cynthia Palma, demands judgment against the defendant, General Electric Company, in an amount sufficient to compensate her for her damages together with interest and costs.

### PLAINTIFF DEMANDS TRIAL BY JURY

Dated: May 10, 2004

Respectfully submitted,

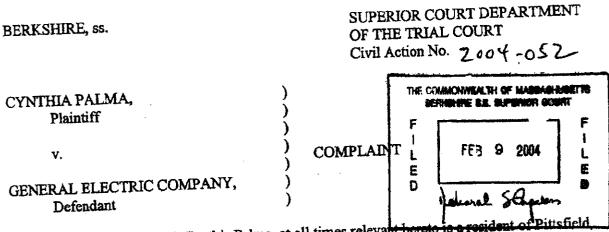
Cynthia Palma

05/12/04 WED 11:08 FAX 413 4487166

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# COMMONWEALTH OF MASSACHUSETTS



- The plaintiff, Cynthia Palma, at all times relevant hereto is 1. Massachusetts.
- The defendant, General Electric Company, at all times relevant hereto is a 2. corporation with a principal place of business in Pittsfield, Massachusetts.
- The defendant is the owner or otherwise in control of the premises located at 3. Building 51, One Plastics Avenue, Pittsfield, Massachusetts.
- On or about February 9, 2001, the defendant, General Electric Company, its 4. agents, servants or employees negligently allowed an accumulation of water so ther foreign substance to accumulate on the said premises.
- On or about February 9, 2001, the plaintiff, Cynthia Palma, while lawfully on said 5. premises which is owned or otherwise under the control of the defendant, General Electric Company, was caused to fall as a result of said negligence by the defendant, General Electric Company, its agents, servants or employees.
- As a result of the defendant, General Electric Company's negligence, the plaintiff, ó. continues to Cynthia Palma, sustained severe and painful bodily injuries, suffer great pain of body and mind, was caused to incur and continues to incur medical expenses and lost wages.
  - As a result of the defendant's actions, Ms. Palma was wrongfully terminated shortly after her return to her position of modified duty after her medical love of absence. Discriminatory implications and Lactions of her GE supervisor ted to premature termination of her contract

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GEP LITIGATION

**2**003

WHEREFORE, the plaintiff, Cynthia Palma, demands judgment against the defendant, General Electric Company, in an amount sufficient to compensate her for her damages together with interest and costs.

PLAINTIFF DEMANDS TRIAL BY JURY

Dated: Tebruenza, 2004

Respectfully submitted,

Cynthia Palma

### COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, ss.

SUPERIOR COURT DOCKET NO. 2004-052

CYNTHIA PALMA,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY a/k/a GE PLASTICS,

Defendant.

#### ANSWER

Now comes the Defendant, General Electric Company ("GE") and answers the allegations in the Plaintiff's Amended Complaint. It appears that the Plaintiff intended the documents entitled "Complaint" and "Amended Complaint" to be read as one document. ecause the Amended Complaint does not, in itself, contain all the relevant allegations made by the plaintiff, GE responds to that allegations contained in the Complaint and the Amended Complaint as follows:

### ALLEGATIONS IN THE COMPLAINT

- 1. GE is without knowledge or information sufficient to form a belief regarding the truth of the allegations in Paragraph 1 of the Complaint and therefore denies them.
  - 2. GE denies the allegations made in Paragraph 2 of the Complaint.
  - 3. GE admits the allegations made in Paragraph 3 of the Complaint.
  - 4. GE denies the allegations made in Paragraph 4 of the Complaint.

- 5. GE denies the allegations made in Paragraph 5 of the Complaint.
- 6. GE denies the allegations made in Paragraph 6 of the Complaint.
- GE denies the allegations made in Paragraph 7 of the Complaint and specifically 7. denies that the Plaintiff is entitled to any of the relief that she requests.

### ALLEGATIONS IN THE AMENDED COMPLAINT

- GE restates its responses to the allegations made in Paragraphs 1 through 7 of 1. the Complaint.
- 2. GE is without knowledge or information sufficient to form a belief regarding the truth of the allegations made in Paragraph 2 of the Amended Complaint concerning the Plaintiff's health and therefore denies them. GE specifically denies the allegations made in Paragraph 2 of the Amended Complaint that the Plaintiff suffered any injury as a result of GE's negligence.
- 3. Paragraph 3 of the Amended Complaint describes the Plaintiff's reasons for amending the complaint and thus no response is required. GE specifically denies the implication in Paragraph 3 of the Amended Complaint that the Plaintiff suffered any injury as a result of GE's negligence.
- 4. Paragraph 4 of the Amended Complaint describes the Plaintiff's reasons for amending the complaint and thus no response is required. GE specifically denies the implication in Paragraph 4 of the Amended Complaint that the Plaintiff suffered any injury as a result of GE's negligence.
- 5. GE denies that allegations made in Paragraph 5 of the Amended Complaint and specifically denies that the Plaintiff is entitled to any of the relief that she requests.

# AFFIRMATIVE DEFENSES

First Affirmative Defense. The Plaintiff has failed to state a claim upon which relief can be granted.

Second Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, by her own negligence in causing the injuries of which she complains.

Third Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, by the intervening acts of one or more third parties.

Fourth Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitation.

Fifth Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, by the Plaintiff's failure to mitigate damages.

Sixth Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, by the Plaintiff's failure to timely file a complaint with the Massachusetts Commission Against Discrimination.

Seventh Affirmative Defense. The Plaintiff's claims are barred, in whole or in part, because she has never been an employee of the Defendant and thus has no standing.

WHEREFORE, for the reasons above stated, Defendant General Electric Company respectfully requests:

(a) that all claims against it be dismissed with prejudice; and

(b) that it be awarded its costs and fees in defending this action, plus any other relief that the Court deems just and appropriate.

DEFENDANT REQUESTS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

June 1, 2004

RESPECTFULLY SUBMITTED,

GENERAL ELECTRIC COMPANY, Defendant

Diane M. DeGiacomo, Esq. (BBO# 555930) Dennis M. LaRochelle, Esq. (BBO# 600924)

CAIN, HIBBARD, MYERS & COOK PC

66 West Street

Pittsfield, Massachusetts 01201

(413) 443-4771

# CERTIFICATE OF SERVICE

I, Dennis M. LaRochelle, Esq., do hereby certify that a copy of the foregoing document has, on this First Day of June, 2004, been served on the plaintiff by forwarding via first-class mail, postage prepaid to:

> Cynthia Palma P.O. Box 8 Pittsfield, Massachusetts 01202